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Before the
Federal Communications Commission
Washington DC 20554

In the Matter of

CLOSED CAPTIONING et al.

Petition for Exemption and/or Waiver of
VNN, Villages News Network

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Docket No. 06-181
CGB-CC-0789

To: Secretary

**CONSOLIDATED REPLY TO OPPOSITIONS TO
PETITION FOR EXEMPTION AND/OR WAIVER**

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May 23, 2008

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CONSOLIDATED REPLY TO OPPOSITION OF "COMMENTERS"
TO PETITION FOR EXEMPTION AND/OR WAIVER

The Villages News Network, of The Villages, Florida ("VNN"), respectfully submits this REPLY to various "Letters" of certain "Commenters," by The Tri-County of the Association of the Deaf, on or about April 10, 2008 (the "TCAD Letter"),¹ by Deaf and Hearing Services of Lake & Sumter Counties, on or about April 30, 2008 (the "DHS Letter"),² and by various Commenters, headed by Telecommunications for the Deaf and Hard of Hearing, Inc., on or about May 2, 2008 (the "TDI Letter"), all in opposition to VNN's **Petition for Exemption and/or Waiver** from the FCC's closed captioning rules (jointly and severally, the "Oppositions").³

1. First, these "canned" pleadings, which fail seriously to discuss any of VNN's unique and specific facts, should all be dismissed as facially and patently unresponsive on their face.

2. Moreover, the Commenters fail to establish that they have standing to participate in this matter. Section 79.1 (f) (6) of the FCC's rules provides that "any interested person" may file comments or oppositions to the petition for exemption. Yet, the Commenters conspicuously fail to establish they are "interested persons" within the meaning of the FCC's rules and the Administrative Procedure Act.⁴

¹ The pleading is signed by "TCAD President" only and thus other named parties cannot lawfully participate in the Opposition. See 47 CFR 1.52.

² The pleading is signed by "President/Executive Director" only and thus other named parties cannot lawfully participate in the Opposition. See CFR 1.52.

³ VNN respectfully requests that the Commission waive any of its procedural rules that might be required in order to give full consideration to this Consolidated Reply, including without limitation, the time period within which a reply to any opposition ordinarily might be required to be filed. Indeed, not all of the oppositions to VNN's petition have been timely filed and, in such circumstances, permitting VNN to reply to all of them in one consolidated pleading is more efficient and ultimately more helpful to the Commission.

⁴ 47 C.F.R. §79.1 (f)(6).

The "irreducible constitutional minimum" for standing is that the appellant was injured in fact, that its injury was caused by the challenged conduct, and the injury would likely be redressed by a favorable decision. *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560-61, 119 L. Ed. 2d 351, 112 S. Ct. 2130 (1992); *Microwave Acquisition Corp. v. FCC*, 330 U.S. App. D.C. 340, 145 F.3d 1410, 1412 (D.C. Cir. 1998). Groups, such as Commenters, have standing to sue on behalf of their members only if (1) at least one of the members would have standing to sue in his own right, (2) the interest the association seeks to protect is germane to its purpose, and (3) neither the claim asserted nor the relief requested requires that an individual member participate in the lawsuit. *Hunt v. Washington State Apple Adver. Comm'n*, 432 U.S. 333, 343 (1977).

The Commenters do not even allege that the FCC's grant of the above captioned Petition could in any way injure them or any of their members. Nor do they even assert that any member of any of their groups regularly attends or watches VNN's programs. The Commenters simply have not shown how the FCC's grant of the Petition would cause them or any of their members any harm. Without such a showing of any "injury-in-fact," the Commenters are not "interested persons." Therefore, they do not have standing to participate in this proceeding.

Generally, the FCC accords "party in interest" standing to a petitioner who demonstrates either residence in the station's service area, or that the petitioner listens to or views the station regularly.⁵ *Chet-5 Broadcasting, L.P.* 14 FCC Red 13041 (1999). In this case, Commenters failed even to "claim" that at least one of their members resides in the service area of a station that broadcasts VNN's programming or otherwise views its TV programming. In addition, the Commenters failed to provide the statement of a single member who claims to be aggrieved or adversely affected by the grant of VNN's Petition. Accordingly, the FCC should dismiss the Oppositions on this basis alone.


⁵ 47 U.S.C. §309 (d)(1) ("Any party in interest may file with the Commission a petition to deny...").

3. The Oppositions also suffer from numerous FATAL procedural defects. Section 1.49(a) of the Commission's Rules provides that all pleadings must be double-spaced. The Commenters' "Oppositions" are merely single-spaced letters. Finally, as noted supra,⁶ the Oppositions fail to comply with 47 CFR 1.52.⁷ Thus, the Oppositions should be dismissed for gross procedural violations.

CONCLUSION

An exemption from the FCC's closed captioning requirements for VNN's program is not only warranted on the undisputed facts of this case but, clearly, would best serve the public interest.

Respectfully submitted,



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⁶ See Note 1 & 2.

⁷ The Oppositions do not seek waiver of any of these FCC rules or present any facts that would justify the FCC, sua sponte, in granting waivers of these rules for the Commenters.

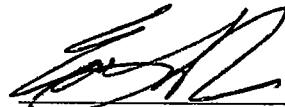
Certificate of Service

I, Erick D. Langenbrunner, do certify under penalty of perjury that the foregoing REPLY was served by First Class mail this date on the following parties:

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